

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 11/17/2021

JOSE QUEZADA, on behalf of himself and all other  
persons similarly situated,

Plaintiff,

-against-

ELEPHANT IN A BOX, INC.,

Defendant.

1:21-cv-04681-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff initiated this action by filing a complaint on May 25, 2021. [ECF No. 1]. An affidavit of service of summons and complaint was filed on the docket on June 14, 2021. [ECF No. 5]. According to that summons, Defendant's response to the complaint was due June 17, 2021. [ECF Nos. 5]. No response was filed, and Plaintiff has not prosecuted this case to date.

Accordingly, IT IS HEREBY ORDERED that any motion for entry of a default judgment shall be filed by December 1, 2021. Plaintiff is directed to follow the procedures applicable to default judgments under the Court's Individual Rules and Practices for Civil Cases, available at the Court's website. Failure to move for a default judgment by December 1, 2021 may result in dismissal of this action for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001).

**SO ORDERED.**

**Date: November 17, 2021**  
**New York, NY**

  
**MARY KAY VYSKOCIL**  
**United States District Judge**